

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cr-00109-SNLJ
)	
DESHANTE R. NABORS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's Motion to Quash Indictment (Doc. 61). Defendant argues the Indictment is invalid because it is not signed by the foreperson or the Assistant U.S. Attorney. Magistrate Judge Abbie Crites-Leoni¹ issued a Report and Recommendation recommending the motion be denied (Doc. 121) for two reasons: 1) the Indictment (Doc. 1) is in fact signed by the foreperson and an Assistant U.S. Attorney; and 2) even if it was not signed, the Indictment would not be invalid. Judge Crites-Leoni noted that it is the practice in this District to maintain the signed Indictment under seal on the docket and to place a redacted (unsigned) Indictment on the docket that is available for public viewing to protect the secrecy of the grand jury.

This Court's review of the Report and Recommendation is governed by 28 U.S.C. § 636 and Federal Rule of Criminal Procedure 59. The court conducts a de novo review as to any objections to the magistrate judge's recommendations with respect to dispositive

¹ Pursuant to 28 U.S.C. § 636(b) and Local Rule 2.08, all pretrial matters were referred to United States Magistrate Judge Abbie Crites-Leoni (Doc. 4).

matters that are timely made and specific. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). In conducting a de novo review, this court may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also United States v. Craft*, 30 F.3d 1044, 1045 (8th Cir. 1994).

Here, defendant filed an objection to the Report and Recommendation (Doc. 125). He reiterates the arguments made in his motion and claims the practice of this Court to maintain the signed Indictment under seal violates the Federal Rules of Criminal Procedure and his constitutional rights.

After a thorough review of the record, this Court will overrule defendant’s objection. Further, the Court adopts, sustains, and incorporates herein the well-reasoned Report and Recommendation in its entirety and will deny defendant’s motion. The undersigned has reviewed the signed Indictment (Doc. 1). Moreover, in addition to the authority cited in the Report and Recommendation, the commentary to Federal Rule of Criminal Procedure 6 states that the “[f]ailure of the foreman to sign or endorse the indictment is an irregularity and is not fatal.”

Accordingly,

IT IS HEREBY ORDERED that defendant’s Objection to Report and Recommendation (Doc. 125) is **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of United States Magistrate Judge Abbie Crites-Leoni (Doc. 121) is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

Dated this 18th day of November, 2024.

A handwritten signature in black ink, reading "Stephen N. Limbaugh, Jr.", written in a cursive style.

STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE